



# UNITED STATES PATENT AND TRADEMARK OFFICE

W

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,961	11/22/2000	Scott H. Schwartz	HILL-0001	3347

23550 7590 03/11/2004

HOFFMAN WARNICK & D'ALESSANDRO, LLC  
3 E-COMM SQUARE  
ALBANY, NY 12207

EXAMINER
----------


THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application</b>	<b>Applicant(s)</b>	
	09/718,961	SCHWARTZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Forest Thompson Jr.	3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                        |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1</u> . | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

1. Claims 1-35 have been examined.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-28, 30, and 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Horn et al. (U.S. Patent No. 6,631,356).

Claims 1-28, 30, and 32-35: Van Horn teaches claimed aspects of applicants' invention pertaining to on-line buying and selling of goods and services. Specifically, Van Horn teaches:

- an online buying group (referred to herein as a "co-op") formed for the specific purpose of purchasing a particular product at by defining a start time, end time, critical mass, any minimum number of units offered, any maximum number of units offered, starting price and product cost curve. As data is gathered from buyers, by means of their making binding purchase offers, the co-op is modified using a pricing tool, so as to take into account for this market data in the definition of the price curve. A buyer chooses a product co-op of interest. The buyer is presented with the following essential

Art Unit: 3625

co-op information: current price, closing time, next price level (as defined by a price curve visibility window and the price curve) sufficient to entice the buyer to make an offer. Once a buyer has made up his mind, the decision must be made to offer a purchase price which includes the current price, guaranteeing availability if critical mass has been achieved, or to make an offer at a lower price range that can be accepted only if the co-op price drops to that level, which may not occur. Given a decision to make an offer at such lower price, the buyer enters such maximum price at which he is willing to purchase the product. Should the current price drop to the level at which the offer was made, the price contingency is removed from such offer and assuming critical mass is achieved, the offer is accepted at the close of the co-op, and processed accordingly. Inventory is allocated to fulfill the accepted offer following the closing of the co-op.

(Abstract)

- This invention provides a method and apparatus to globally locate, encourage and enable all buyers wishing to purchase a particular product or service within a given time frame to join forces in a co-op formed specifically to accomplish the desired purchase. The co-op will enable individual buyers to leverage their combined purchasing power to achieve an economic bargain far superior to that attainable by any one buyer acting alone. This superior bargain most often will be reflected in terms of a lower price. (col. 1 lines 13-22)

- The invention also provides a method and apparatus that allows each buyer an opportunity to increase the volume of any given co-op in order to further increase group buying power within a co-op. It also includes a mechanism through which buyers can

Art Unit: 3625

form any number of special interest groups, provide their collective wisdom to dictate which products are featured in future co-ops, or even make a market for a given product or service. (col. 1 lines 23-30)

Teachings of Van Horn have been identified for specific claimed aspects of applicants' instant invention in the following paragraphs for completeness.

Claim 1. Van Horn teaches:

- a processor (col. 6 lines 48-52); and
- a memory, including a program executable by the processor (col. 6 lines 48-61),  
the program including:
  - an estimator configured to allow user selection of at least one item for creating a cost quote of total price, each item being a member of an item unit having associated therewith a volume (col. 2 lines 30-36);
  - a unit setting module configured to allow setting membership of at least one item unit in at least one first group unit, each first group unit having associated therewith a cumulative volume of the at least one item unit therein (fig. 8 [100-118]);
  - a discount rule module configured to allow setting at least one discount threshold for each first group unit, each discount threshold of a first group unit having an associated discounted price given to a user when the discount threshold is met (col. 11 lines 18-21); and
  - a calculator configured to recommend selection of additional volume to attain a next discount threshold (col. 11 lines 38-42).

Art Unit: 3625

Claim 3. Van Horn does not explicitly teach determining award of an additional discounted price based on achieving a discount threshold in more than one first group unit. However, Van Horn does teach determining award of an additional discounted price based on achieving a discount threshold in when a threshold of a price curve is met or surpassed, in the functionality of the disclosure (Abstract): *The criteria that determines the price curve encompasses the goals and expectations of the buyers. As data is gathered from buyers, by means of their making binding purchase offers, the co-op is modified at (108) using a pricing tool, so as to take into account for this market data in the definition of the price curve . . . the offer is accepted at the close of the co-op at (122), and processed accordingly. Inventory is allocated to fulfill the accepted offer at (126) following the closing of the co-op at (124).*

Claim 4. Van Horn teaches the calculator is configured to recommend selection of additional volume when a volume selected is within a discount variance of the next discount threshold (col. 11 lines 38-42).

Claim 5. Van Horn teaches a type of volume is determined by the type of item and is chosen from the group comprising: a monetary amount, weight and quantity (col. 13-14 lines 35-50).

Claim 6. Van Horn teaches each first group unit includes more than one discount threshold (col. 7 lines 3-9).

Claim 7. Van Horn teaches the discount rule module is further configured to allow setting at least one discount threshold for each item unit, each discount threshold for an item unit having an associated discounted price (col. 7 lines 3-9).

Art Unit: 3625

Claim 8. Van Horn teaches the calculator is further configured to recommend selection of additional volume to attain a next discount threshold for an item unit (col. 11 lines 38-42).

Claim 9. Van Horn teaches the calculator is configured to recommend selection of additional volume when a volume selected is within a discount variance of the next discount threshold for the item unit (col. 11 lines 38-42).

Claim 10. Van Horn teaches:

- the unit setting module is further configured to allow setting membership of at least one first group unit into at least one master group unit (Abstract; col. 13 lines 30-35), and
- the discount rule module is further configured to allow setting one of a discount formula and a discount table for each master group unit (col. 7 lines 3-9).

Claim 11. Van Horn teaches the discount rule module is further configured to selectively assign a rank to each discount threshold of each first group unit (Abstract), through the process of defining/applying price curves.

Claim 12. Van Horn teaches the calculator is further configured to determine a discounted price using one of the discount formula and discount table and an achieved rank of at least one first group unit (Abstract), through the process of defining/applying price curves.

Art Unit: 3625

Claim 13. Van Horn teaches the one of the discount formula and discount table provide a discounted price based on a highest achieved rank for each first group unit (Abstract), through the process of defining/applying price curves.

Claim 14. Van Horn teaches a discounted price provided by the one of the discount formula and discount table is provided by assigning a discounted price associated with a rank higher than any achieved rank to each first group unit (Abstract), through the process of defining/applying price curves.

Claim 15. Van Horn teaches a coop module configured to allow creation of a coop of a plurality of users to pool purchases and cumulatively attain a discounted price (Abstract).

Claim 16. Van Horn teaches the discount rule module is further configured to set at least one coop discount threshold for each first group unit and each item unit (Abstract).

Claim 17. Van Horn teaches the calculator is configured to recommend selection of at least one additional item or additional volume to attain a next discount threshold with preference for minimizing the total price of an individual user rather than the coop (col. 11 lines 38-42).

Claim 18. Van Horn teaches the coop module is configured to allow an administrator to set at least one of purchase closing time, pricing structure, maximum discount threshold available and coop membership rules (Abstract).

Claim 19. Claim 19 is a system and contains the same limitations as claim 10; therefore, the same rejection is applied.



Claim 20. Claim 20 is a system and contains the same limitations as claim 11; therefore, the same rejection is applied.

Claim 21. Claim 20 is a system and contains the same limitations as claim 12; therefore, the same rejection is applied.

Claim 22. Claim 20 is a system and contains the same limitations as claim 13; therefore, the same rejection is applied.

Claim 23. Claim 20 is a system and contains the same limitations as claim 14; therefore, the same rejection is applied.

Claim 24. Van Horn teaches a purchasing module configured to permit a user to make a purchase of the selected at least one item (Abstract).

Claim 25. Claim 25 is a system and contains essentially the same limitations as claim 1; therefore, the same rejection is applied.

Claim 26. Van Horn does not explicitly teach, when an item unit is a member of more than one second group unit, the calculator is further configured to determine an allocation of volume of an item amongst the second group units to achieve a minimized total price. However, Van Horn does teach functionality that encompasses this language in (see col. 11 lines 8-42):

*1. The merchandising staff, being generally responsible for product offerings, identifies the product to be featured in co-op at 100. They create a new co-op at 102 using a set of computer programs acting as their data entry tools. Numerous co-ops will be featured simultaneously at any given time. Essential characteristics of the co-op in this preferred implementation are: start time, end*

Art Unit: 3625

*time, any minimum number of units offered, any maximum number of units available for sale, starting price, and product cost curve including a price curve visibility window.*

*2. The co-op receives further definition by having its price curve and price curve visibility window defined at 104 using the pricing tool. The defined co-op is then made available at 106.*

*3. As data is gathered from buyers, by means of their making offers, the co-op is modified at 108 using the pricing tool, so as to take into account the market data in the definition of the price curve.*

#### *Co-op Selection*

*The steps comprising a buyer's selection of a co-op in which to participate, are as follows:*

*1. The buyer accesses e-commerce server 38 (FIG. 4) at 110, and is presented a number of co-op choices at 112. How the navigation and presentation of general product information pertaining to the co-op is done' not essential to this invention and is done in a conventional manner known to those skilled in the art.*

*The buyer browses all product co-ops in order to choose a particular co-op of interest at 114.*

*2. The buyer is presented with the following essential co-op information: current price, closing time, next price level (as defined by the price curve visibility window and the price curve), sufficient for the buyer to determine the urgency of an offer.*

Art Unit: 3625

Claim 27. Van Horn teaches:

- allowing selection of an item by a user to attain a quote (Abstract);
- organizing an item available for purchase into an item unit and at least one first group unit that includes one or more items, each item unit and each group unit having associated therewith a volume (Abstract);
- setting at least one discount threshold for each item unit and each first group unit, each discount threshold having an associated discounted price (Abstract);
- calculating when a volume of an item unit is within a discount variance of a next discount threshold for the item unit (Abstract);
- recommending selection of additional volume to attain the next discount threshold for the item unit (col. 11 lines 38-42);
- calculating when a volume of a first group unit is within a discount variance of a next discount threshold for the first group unit (Abstract); and
- recommending selection of additional volume to attain the next discount threshold for the first group unit (col. 11 lines 38-42).

Claim 28. Van Horn teaches the step of organizing further includes organizing at least one first group unit into at least one master group unit that includes one or more group units (Abstract; col. 13 lines 30-35).

Claim 30. Van Horn teaches setting at least one discount threshold for each item unit and each first group unit includes setting a discount threshold based on one of a monetary amount, weight and quantity (col. 11 lines 18-21).

Art Unit: 3625

Claim 32. Van Horn teaches pooling user purchases into a coop to cumulatively attain a discount threshold (col. 12 lines 1-5).

Claim 33. Van Horn teaches recommending includes recommending a selection with preference for an individual user rather than the coop (col. 11 lines 38-42).

Claim 34. Claim 34 is a system and contains the same limitations as claim 24; therefore, the same rejection is applied.

Claim 35. A system for estimating purchase cost of items and making a recommendation to attain a discounted price, the system comprising:

- a processor (col. 6 lines 48-52); and
- a memory, including a program executable by the processor (col. 6 lines 48-61),

the program including:

- a) an estimator configured to allow a user to select at least one item to attain a total price quote (col. 2 lines 30-36);
- b) an administration module configured to allow organization of an item into at least one unit, each unit including at least one discount threshold that may be attained by selection of a volume of an item organized therein (fig. 8 [100-118]);
- c) a discounter including a calculator configured to:
  - i) determine a next discount threshold for each unit (col. 11 lines 18-21);
  - and
  - ii) recommend selection of additional volume to attain a next discount threshold in at least one unit (col. 11 lines 38-42); and

Art Unit: 3625

- d) a purchasing module configured to permit a user to make a purchase

(Abstract).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2, 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Horn as applied to claims 1 and 27 above, and further in view of Official Notice.

Art Unit: 3625

Claims 2, 31. Van Horn does not explicitly teach allocating a volume of an item unit between more than one first group unit to maximize the discounted price. However, Van Horn does teach aggregating offers to buy an item and allocating volume of an item to achieve a minimized total price or maximize the volume sold and the discounted price. Official Notice is taken that sellers will attempt to maximize their profits and sales through various combinations of deals, offers and conditions associated with the items that they are trying to sell. Profits and sales are usually associated with the success of sellers/businesses. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Van Horn to explicitly allocate a volume of an item unit between more than one first group unit to achieve a minimized total price or maximize the discounted price, as disclosed by old and well known art, for the motivation of calculating discounts for quotes and purchases of items and promoting sales.

Claim 29. Van Horn teaches assigning at least one discount threshold in each first group unit a rank (Abstract). Van Horn does not explicitly teach, when the achieved ranks of the first group units of the master group unit meet a standard, providing a discounted price associated with a rank higher than any achieved rank to each first group unit. However, Official Notice is taken that sellers may change standards to achieve increased sales, i.e., applying secondary discounts to lower prices to encourage increased participation by potential buyers and thus increase increased sales volume. Therefore, it would have been obvious to one skilled in the art at the time

Art Unit: 3625

the invention was made to modify Van Horn to explicitly teach, when the achieved ranks of the first group units of the master group unit meet a standard, providing a discounted price associated with a rank higher than any achieved rank to each first group unit, as taught by old and well known art, for the motivation of calculating discounts for quotes or purchases of items that may attract more sales.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

- 
- Shoham (U.S. Patent No. 6,584,451) teaches applicants' invention. Specifically, Shoham teaches facilitating the aggregation of buyer power in an on-line trading market system serving traders communicating via the Internet and similar networks. The present invention includes the following primary components: 1) an on-line facilitator (referred to herein as the Buyers Club Facilitator or BCF) comprising computer and software connectable with an information network for communication with a plurality of sellers and buyers, 2) a set of sellers having goods and/or services for sale or lease to buyers, and 3) a set of buyers (referred to herein as the Buyers Club) desiring to purchase or lease a type of goods and/or services. In the present invention, the sales/purchase transaction typically occurs via the information network. Thus, proximity is not a barrier in the present

system. Further, the sellers in the present system do not need to have quantified pricing for their goods and services prior to using the present invention.

The particular benefits of the mechanism to the buyers and sellers are as follows: To Buyers Club members: The primary benefit is lower prices, commensurate with those that a single large-volume buyer could expect. A secondary value, which is manifested in some versions of the mechanism, is the ability to gauge the interest in particular items by fellow club members, update one's own value for that item, and make buying decisions based in part on this updated assessment. To seller or sellers to the Buyers Club: The primary value, beside the opportunity to sell to a large set of potential buyers, is to enjoy a pricing scheme that automatically adapts to the selling volume, from single-unit sales to arbitrarily high volumes. A secondary value is allowing the seller to dynamically adapt prices to demand revealed by the market during the sale process, and, in some versions of the mechanism, to competitors' prices.

- 
- Walker et al. (U.S. Patent No. 6,418,415) teaches an aggregate conditional purchase offer (CPO) management system for receiving and processing CPOs from buyers for one or more goods or services is disclosed. Received CPOs are processed to determine whether the CPO should be provided to sellers individually and/or collectively as part of an aggregate CPO. If a CPO is accepted individually, or collectively as part of an aggregate CPO, the buyer is bound on behalf of the accepting seller. CPOs are administered on behalf of



groups of buyers to form aggregate CPOs which are offered to sellers. Groups are preferably formed dynamically in accordance with predefined aggregation rules. The unit price associated with an aggregate CPO may be an average of the individual CPO prices for each CPO included in the aggregate CPO.

Alternatively, the aggregate CPO price may be the total of the individual CPO prices for each CPO included in the aggregate CPO. The aggregation rules can optionally require that the terms of an individual CPO, including price, be within predefined tolerances of the terms of an aggregate CPO or one or more pending individual CPOs, in order for the individual CPO to be included in the aggregate CPO. Buyers may optionally review pending aggregate CPOs, prior to submitting a new CPO, so that the buyer can request to include the new CPO in one or more existing aggregate CPOs. Buyers may be requested to modify the original terms of a CPO to conform the terms to an existing aggregate CPO or one or more pending individual CPOs, so that the modified CPO can be included with the pending aggregate CPO or the pending individual CPOs to form a new aggregate CPO.

- 
- Pallakoff (U.S. Patent No. 6,269,343) teaches the present invention provides a method and system that allows sellers to communicate conditional offers to potential buyers. The conditions include prices that depend on the aggregate amount of goods or services that buyers collectively agree to purchase by a given time and date. The invention facilitates "demand aggregation", that is,

aggregating demand by potential buyers (who may or may not know each other), for products offered by sellers. This invention allows sellers conveniently to offer "Demand-Based Pricing", that is, prices which go down as the volume of units sold in any given offer goes up. A seller can therefore offer volume discounts to buyers acting as a group, even when the buyers may not have any formal relationship with one another.

In general, the system connects sellers with buyers 15 by means of a system controller. There can be many buyers and many sellers; however, the actual numbers of buyers and sellers is not relevant so long as there is at least one seller and one buyer.

The system will present forms to collect information from the potential buyer, presenting the forms either on the same web page where the offer was presented or on separate web pages linked to that first web page. The buyer enters the amount (e.g. the volume or number of units) they are interested in buying if this offer goes through. This is the potential buyer's individual "demand" level. For example, if the offer is for soccer balls, the user might indicate an interest in buying 5 balls. The potential buyer also provides his or her billing information (for example, credit card number and expiration date and billing address), shipping address, and contact information. Preferably an e-mail address is provided as part of the contact information. The potential buyer then gets a chance to confirm whether he or she really wants to join the Buying Group after all.

When the potential buyer confirms his or her interest in joining the Buying Group (block 67b), then the system stores the collected data in a central database (part of the software on the servers 13) and the system recalculates the Aggregate Demand for this offer (block 68). The Aggregate Demand is the sum of each Buying Group member's individual demand level. For example, if there are three members in a Buying Group so far for the Soccer Ball example mentioned earlier, with the first expressing an interest in buying 5 balls, the second indicating an interest in buying 1 ball, and third indicating an interest in buying 20 balls, then the Aggregate Demand so far is  $5+1+20=26$  balls. If the seller is selling wheat instead of soccer balls, then the Aggregate Demand might be expressed in lbs. of wheat instead of # of balls. Likewise the demand could be in terms of hours of a particular service that is being offered.

- 
- Shkedy (U.S. Patent No. 6,260,024) teaches that systems and methods are described for providing a global bilateral buyer-driven system for creating binding contracts by incorporating various methods of communication, commerce and security for the buyers and the sellers. Individual buyers purchase requirements are aggregated into a single collective purchase requirement and sellers are located willing to bid on the collective purchase requirement. A central controller facilitates the buyer/seller transaction by fielding binding offers from buyers, aggregating those offers into group (i.e. pooled) offers and communicating those group offers globally in a format which can be efficiently accessed and analyzed

by potential sellers. This system can also effectuate performance of resulting contracts, resolve disputes arising from those contracts, and maintain billing, collection, authentication, and anonymity. The methods disclosed are applicable to any commerce situation involving buyers and sellers.

In one aspect of the invention, a method for using a computer acting as an intermediary to facilitate a transaction between a plurality of buyers and at least one seller comprises the steps of: a buyer determining an item or service to be purchased, the buyer inputting a conditional purchase order to a central controller (i.e. intermediary party) for the item or service, receiving a maximum offer price in response to the conditional purchase order from the central controller, the buyer either accepting or rejecting the maximum offer price from the central controller. If the buyer accepts the maximum offer price, the buyers' conditional purchase order is combined into a pooled purchase order with other buyers. The pooled purchase order is then made available to sellers to bid on. Any sellers interested in the pooled purchase order will submit a bid including a bid price that is responsive to the conditional pooled purchase order, including the maximum offer price. A seller will be selected whose bid is the best, e.g. lowest price. Payment can be provided by the intermediary to the seller having the lowest bid.

The method and device of the present invention advantageously provide individuals with a collective bargaining power usually reserved for large retailers or corporations that regularly exercise buying clout by virtue of their size. By aggregating individual purchase orders into a single aggregate purchase order,

Art Unit: 3625

each individual participant will receive more favorable purchasing terms than what could be achieved by acting independently. By using an intermediary to perform the buying or shipping of goods, buyers can keep their buying habits and preferences confidential.


---

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson Jr. whose telephone number is (703) 306-5449. The examiner can normally be reached on 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FT  
05 March 2004

  
Jeffrey A. Smith  
Primary Examiner